

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**AMENDED ORDER**

-against-

18-CR-578 (JS)(AYS)

PATRICE RUNNER,

Defendant.

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**SHIELDS, Magistrate Judge:**

Upon application of the Government, made after consultation with the United States Marshals Service (“USMS”), (Docket Entry (“DE”) [80]), and in accord with their legitimate security and logistical concerns, and upon consideration of defense counsel’s submission, (DE [81]), and to ensure Defendant’s meaningful participation in his defense – in particular, his access to discovery materials herein and to confer with counsel – the Court hereby amends its Order of May 18, 2023 as follows:

First, to the extent that Defendant seeks reconsideration of this Court’s decision denying Defendant’s release into the custody of his son, that request is denied. Further, Defendant shall remain housed in the Metropolitan Detention Center (“MDC”) prior to commencement of the trial herein on June 5, 2023. The Court credits the Government’s specific representations regarding USMS policy and the logistical impossibility of daily transfer of Defendant to the Brooklyn or Islip Courthouses. The Court further credits the representation that defense counsel will be able to bring laptop computers to the MDC. Thus, during the time of his confinement, Defendant shall have the ability to meet daily with his attorneys (if they so request) and during such meeting shall be able to review any electronic or paper discovery and trial materials so that Defendant can meaningfully participate in his defense and prepare for trial. While daily access

may be sought by counsel, the Court can neither rule upon nor foresee all logistical barriers to entry caused by the security concerns of the MDC. The court will not enter any order that broadly conflicts with the ability of the Bureau of Prisons to manage its facilities.

The Court is mindful of the fact that a final decision regarding housing at a local facility is ultimately the decision of that facility. Nonetheless, the Court directs that, absent unusual circumstances to be communicated to this or the District Court, beginning on the first day of trial – June 5, 2023 – Defendant shall be housed in a facility in either Nassau or Suffolk County. The Court is confident that such housing will enable Defendant to meet with counsel at the Central Islip Courthouse during trial.

**SO ORDERD.**

Dated: Central Islip, New York  
May 22, 2023

/s/ Anne Y. Shields  
Anne Y. Shields  
United States Magistrate Judge